

United States District Court
Southern District of Mississippi
Southern Division

Crawford Byrd, Mitchell McCann, Russell Brewer, Plaintiffs
Rodney Michael Brewer, James Aubrey McLoud,
John McLoud, Ken Williams, Braden Barrow,
Donald Wally and Bobby Harvison

v.

Cause No. 1:22cv254 TBM-RPM

Plains All American Pipeline, GP, LLC

Defendant

Complaint

The plaintiffs hereby file suit against the defendant Plains All American Pipeline, GP, LLC to recover unpaid overtime compensation pursuant to the Fair Labor Standards Act and Mississippi contract law.

Jurisdiction

1. This court has federal jurisdiction pursuant to 28 U.S.C. § 1331. The court has supplemental jurisdiction over the state law claims.

Parties

2. The plaintiff Mitchell McCann is an adult resident of State Line, Greene County, Mississippi.

3. The plaintiff Russell Brewer is an adult resident of State Line, Greene County, Mississippi.

4. The plaintiff Donald Walley is an adult resident of Leakesville, Greene County, Mississippi.

5. The plaintiff Michael Brewer is an adult resident of Leakesville, Greene County, Mississippi.

6. The plaintiff Aubrey McLeod is an adult resident of Leakesville, Greene County, Mississippi.

7. The plaintiff John McLeod is an adult resident of Lucedale, George County, Mississippi.

8. The plaintiff Ken Williams is an adult resident of Neely, Greene County, Mississippi.

9. The plaintiff Braden Barrow is an adult resident of Neely, Greene County, Mississippi.

10. The plaintiff Bobby Harvison is an adult resident of Richton, Perry, County Mississippi.

11. The plaintiff, Crawford Byrd, is an adult resident of Richton, Perry, County, Mississippi.

12. The defendant Plains All American Pipeline, GP, LLC operated a natural gas pipeline and storage facility in Leakesville, Mississippi from 2001 until August 1, 2021. It is a Texas limited liability corporation registered to do business in Mississippi.

Facts

13. The plaintiffs Russell Brewer, Donald Walley, Michael Brewer, Aubrey McLeod, John McLeod, Ken Williams, Braden Barrow and Bobby Harvison worked for Plains from 2011 until August 1, 2021. Plaintiff Mitchell McCann worked for Plains from 2008 until August 1, 2021.

14. While employed, Plains agreed to pay the plaintiffs an hourly wage for all hours worked.

15. While in the employ of Plains, the plaintiffs worked 12-hour shifts for 5 days on and 5 days off. The shifts changed daily at 7 a.m. and 7 p.m.

16. Plains required the plaintiffs to attend a shift change meeting 15 minutes prior to the beginning of the shift. Plains did not pay the plaintiffs for the time attending those mandatory meetings.

17. The 15-minute shift change meetings constituted compensable hours worked under the Fair Labor Standards Act and under their contract.

18. Based on 15 minutes a day, each plaintiff worked 45 hours a year of uncompensated time.

19. Plains' failure to pay for the meeting time was an intentional violation of the FLSA.

20. Plains failure to pay for the meeting time was an intentional breach of the common law contractual agreement to pay the agreed wage for all hours worked.

21. Plains' failure to pay for attending the mandatory meetings was a willful and reckless violation of the FLSA and the contract with the plaintiffs.

22. On August 1, 2021, Plains sold the Leakesville facility to Hartree National Gas, LLC. On that date, the plaintiffs and other employees went to work for the new owner.

Request for Relief

23. The plaintiffs seek a judgment against the defendant Plains under both state and federal law for all uncompensated time, prejudgment interest, liquidated (double) damages plus reasonable attorney's fees.

Dated: September 17, 2022.

Respectfully submitted,

/s/ Mike Farrell

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